IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMM. FOR JUDGMENT NO.421 OF 2004

IN

SUMM.SUIT NO.1380 OF 2004

Usha Pravinbhai Doshi .. Plaintiff

versus

M/s Indus-League Clothing Ltd .. Defendant

...

Mr.Ramesh Dharia for Plff

Mr.Kirit Mehta i/b Dikshit Maneclal for Deft

CORAM : D.G. KARNIK, J

DATED : 5th April 2005.

P.C:-

1. Heard learned counsel for the parties. The defence raised by the defendant cannot be said to be sham or illusory. The defendant have made payment of Rs.4,89,000/- to the plaintiff. According to the plaintiff, the said payment was not towards the suit transaction but, was towards supply of ballpens. The issue cannot be decided at the stage of hearing of the

Summons for Judgment without trial.

2. In the circumstances, the defendant is granted unconditional leave to defend the suit. Suit shall stand transferred to the list of commercial causes. The defendant to file the written statement within four weeks.

D.G.KARNIK, J